

# भारत का राजपत्र

## The Gazette of India



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### EXTRAORDINARY

माग II-खण्ड 1

### PART II—Section 1

प्रधिकार से प्रकाशित

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इस भाग में विश्व पृष्ठ संचया की जाती है जिसे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

### MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 4th January, 1994/Pausa 14, 1915 (Saka)

The following Act of Parliament received the assent of the President on the 4th January, 1994, and is hereby published for general information:—

### THE CHIEF ELECTION COMMISSIONER AND OTHER ELECTION COMMISSIONERS (CONDITIONS OF SERVICE) AMENDMENT ACT, 1993

No. 4 OF 1994

[4th January, 1994.]

An Act to amend the Chief Election Commissioner and other Election Commissioners (Conditions of Service) Act, 1991.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Chief Election Commissioner and other Election Commissioners (Conditions of Service) Amendment Act, 1993.

(2) It shall be deemed to have come into force on the 1st day of October, 1993.

2. In the Chief Election Commissioner and other Election Commissioners (Conditions of Service) Act, 1991 (hereinafter referred to as the principal Act), in the long title, for the words "and for matters", the words "and to provide for the procedure for transaction of business by the Election Commission and for matters" shall be substituted.

Short  
title and  
com-  
mence-  
ment.

Amend-  
ment of  
long  
title.

**Amend-  
ment of  
section 1.**

3. In section 1 of the principal Act, for the words and brackets "the Chief Election Commissioner and other Election Commissioners (Conditions of Service)", the words and brackets "the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business)" shall be substituted.

**Amend-  
ment of  
section 2.**

4. In section 2 of the principal Act, clause (b) shall be re-lettered as clause (c) and before clause (c) as so re-lettered, the following clause shall be inserted, namely:—

‘(b) “Election Commission” means the Election Commission referred to in article 324 of the Constitution;’.

**Amend-  
ment of  
section 3.**

5. In section 3 of the principal Act,—

(a) in sub-section (1),—

(i) the brackets and figure “(1)” shall be omitted;

(ii) after the words “Chief Election Commissioner”, the words “and other Election Commissioners” shall be inserted;

(b) in sub-section (2), the brackets, figure and words “(2) There shall be paid to an Election Commissioner a salary which is equal to the salary of a Judge of a High Court:” shall be omitted.

**Amend-  
ment of  
section 4.**

6. In section 4 of the principal Act, for the first proviso, the following proviso shall be substituted, namely:—

“Provided that where the Chief Election Commissioner or an Election Commissioner attains the age of sixty-five years before the expiry of the said term of six years, he shall vacate his office on the date on which he attains the said age:”.

**Amend-  
ment of  
section 6.**

7. In section 6 of the principal Act,—

(a) in sub-section (2),—

(i) after the words “Chief Election Commissioner”, the words “or an Election Commissioner” shall be inserted;

(ii) for the word, brackets and figure “sub-section (4)”, the word, brackets and figure “sub-section (3)” shall be substituted;

(b) sub-section (3) shall be omitted;

(c) sub-section (4) shall be re-numbered as sub-section (3) and in sub-section (3) as so re-numbered, in clause (b), the words “or as the case may be, sixty-two years,” shall be omitted.

**Amend-  
ment of  
section 8.**

8. In section 8 of the principal Act, for the portion beginning with the words “for the time being, applicable to”, and ending with the words “apply to an Election Commissioner”, the following shall be substituted, namely:—

“for the time being, applicable to a Judge of the Supreme Court under Chapter IV of the Supreme Court Judges (Conditions of Service) Act, 1958 and the rules made thereunder, shall, so far as may be, apply to the Chief Election Commissioner and other Election Commissioners”.

**9.** After section 8 of the principal Act, the following Chapter shall be inserted, namely:—

Insertion  
of new  
Chapter  
III.

### “CHAPTER III

#### TRANSACTION OF BUSINESS OF ELECTION COMMISSION

**9.** The business of the Election Commission shall be transacted in accordance with the provisions of this Act.

Transac-  
tion of  
business  
of  
Election  
Commis-  
sion.

**10.** (1) The Election Commission may, by unanimous decision, regulate the procedure for transaction of its business as also allocation of its business amongst the Chief Election Commissioner and other Election Commissioners.

Disposal  
of  
business  
by  
Election  
Commis-  
sion.

(2) Save as provided in sub-section (1), all business of the Election Commission shall, as far as possible, be transacted unanimously.

(3) Subject to the provisions of sub-section (2), if the Chief Election Commissioner and other Election Commissioners differ in opinion on any matter, such matter shall be decided according to the opinion of the majority.”.

Ord. 32  
of 1993.

**10.** (1) The Chief Election Commissioner and other Election Commissioners (Conditions of Service) Amendment Ordinance, 1993 is hereby repealed.

Repeal  
and  
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

K. L. MOHANPURIA,  
*Secy. to the Govt. of India.*

